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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,533	05/16/2001	Hiroyuki Ishikawa	016778/0428	9771

22428 7590 09/23/2005

FOLEY AND LARDNER  
 SUITE 500  
 3000 K STREET NW  
 WASHINGTON, DC 20007

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/855,533	<b>Applicant(s)</b> ISHIKAWA, HIROYUKI	
	<b>Examiner</b> Vincent F. Boccio	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/2/01</u> | 6) <input type="checkbox"/> Other: ____  |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al. (US 6,798,976).

Regarding claims 1 and 5, Tsumagari discloses and meets the limitations associated with a method and associated picture compression manager apparatus (Fig. 29, "Video encoder") comprising:

- a reduced picture producing section, reducing a current picture (being processed, Fig. 35, see "Thumbnails", column, with other attributes and col. 14, lines 16-19, "reducing a still picture in the recorded video picture"); wherein the section either output to display, Fig. 35 or storage in view of being displayed and also Fig. 35 is a menu, therefore, also stored;
- an index section in response to an index request (either system or user, col. 26 at intervals, col. 29, "automatically enters entry points", "audio level"), marking position of the picture file and storing the position as a particular index into the medium (Fig. 35, represent entry point to accessing the medium having a time code for the position information for the menu with thumbnails being reduced

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images, col. 20, lines 52-, "Bookmark", col. 27, lines 13-, "playback from an entry point).

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 3, 4, 6, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (US 6,798,976) in view of Toebes, VIII et al. (US 5,959,690).

Regarding claims 2-4 and 6-8, **Tsumagari** handles I frames as entry points being the entry point thumbnails images in the menu,

but, and fails to disclose other type such as P and or B frames, the claims have been read in light of Fig. 3 of applicants disclosure, it is deemed that Tsumagari fails to disclose the recited reference frame producing section for producing at least one of remaining pictures of a succession the input pictures the at least one of remaining pictures being used as at least one reference

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frame in later compression the current input picture into a compressed picture, interpreted as wherein the current image is not an I frame, therefore of an inter frame (P or B), type frames, wherein to start reproduction at a P or B frame one must reference the I with respect to a P and two frames with respect to a B frame, this understanding is based on the language of the claims in light of the specification and is the best the examiner can interpret.

Toebees teaches the concepts at col. 11, line 64-, wherein, when a target frame is selected for access ... the index is analyzed to determine which I or P frame must be parsed prior to the parsing of the target frame in order to place the player in the proper state for parsing the target frame ... begin playing in the ordinary forward mode at the target location, and

A} when the current frame is an I frame col. 16, lines 28-, "an I frame, which can be completely parsed without reference to other frames";

B} when a program is to begin playing, col. 15, lines 28-, and if the target frame is B or P, which reference frames must be parsed",

C} a B frame, the index is further analyzed to determine the location in the video bit-stream of the reference frames on which the B depends, col. 13, lines 44-, wherein in accord to Fig. 3, an index is generated to handle reproduction at frames, other than starting with the I frames, used when starting with entry point of P or B frames, as taught by Toebees, as is obvious to those skilled in the art with the knowledge of MPEG frames such as I intra, and Inter frames P and B.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify **Tsumagari** to allow the system and/or the user, to generate entry points at any time, using frames other than I frames, such as P and B type frames, using an index wherein starting reproduction from frames other than I frames, such as P and B type frames, as taught by Toebees, being required to use or reference the I frame for a current P frame and two frames for a current B frame, as required to decode the P or B frames, as is obvious to those skilled in the art, to

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generate the proper reference frame data for the current frame, when the thumbnail is used as an entry point, being one of the inter-fames {P or B type frames}, can be realized with the teachings of Toebees.

**Contact Fax Information**


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
9/18/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER